

REMARKS/ARGUMENTS

In response to the restriction requirement under 35 USC §121 and 372, applicants elect the claims of Group 1, claims 1-12 and 27, drawn to a pharmaceutical formulation comprising a bisphosphonic acid or salt thereof and inactive ingredient having HLB values of from about 1 to about 30 that is an ester of a medium chain fatty acid or a lipophilic polyethylene glycol ester. The Examiner has further required the election of a single species for prosecution on the merits. Applicants elect, for examination purposes only, the species disclosed in claim 8, wherein the inactive ingredient is D-alpha-tocopheryl polyethylene glycol 1000 succinate. Claims 1-12 read on this species.

Pursuant to the present election of Group I, species of claim 8, claims 1-12 remain pending for consideration in the present application, and claims 13-27 are withdrawn. Applicants expressly reserve the right to file divisional applications on the non-elected subject matter.

Applicants respectfully request entry of the above amendment and examination of claims 1-12. Additionally, applicants believe the present claims are in condition for allowance and such action is respectfully requests. Applicants believe that no other fees are due in connection with the filing of this paper other than those specifically authorized herein.

Respectfully submitted,

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